

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1, 3, 9, 20 and 21 are amended. Claims 1-22 are pending in the application.

### Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

#### **I. Rejection under 35 U.S.C. § 112**

In the Office Action, at page 2, claims 1, 2, 6-16, 18, 19 and 22 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph as failing to comply with the written description requirement. This rejection is respectfully traversed.

At page 4, paragraph 0020, lines 2-3, the present specification recites that “[t]he side cover 70, which keeps the door hinge 50 combined with the bracket 30...”. Further, as shown in Fig. 3 and discussed at page 3, paragraph 0017, lines 5-7, side cover 70 is formed with the breakaway-prevention part 72, which supports an upper surface of the door hinge 50 to prevent the door hinge 50 from an upward breakaway. As the side cover 70 includes the breakaway-prevention part 72, which is attached to the side cover 70, and the block-free part 74, side cover 70 is clearly adapted to keep the door hinge 50 combined with the bracket 30 during rotation. Accordingly, withdrawal of the § 112, 1<sup>st</sup> paragraph rejection is respectfully requested.

In the Office Action, at page 2, claims 1-21 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being indefinite. Independent claims 1, 6, 9, 20 and 21 were amended in light of

the Examiner comments, and accordingly, withdrawal of the § 112, 2<sup>nd</sup> paragraph rejection is respectfully requested.

## **II. Rejection under 35 U.S.C. § 103**

In the Office Action, at page 3, claims 1, 2, 9, 15, 16 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,025,581 to Kang et al. in view of U.S. Patent No. 1,646,644 to Economides. This rejection is respectfully traversed because the combination of Kang and Economides does not suggest:

a bracket formed with a combining hole, the bracket being combined to a side part of the frame;

a door hinge formed with a combining projection that is rotatably combined to the combining hole of the bracket to allow the door to rotatably open and close, the door hinge being combined to the door; and

a side cover attached to the side part of the frame and adapted to keep the door hinge combined with the bracket during rotation,

as recited in amended independent claim 1 and similarly in amended independent claim 9.

The combination of Kang and Economides further does not suggest a device for preparing food including:

a bracket formed with a combining hole, the bracket being combined to a side part of the frame;

a door hinge formed with a combining projection that is rotatably combined to the combining hole of the bracket to allow the door to rotatably open and close, the door hinge being combined to the door; and

a side cover attached to the side part of the frame and adapted to keep the door hinge combined with the bracket,

as recited in amended independent claim 22.

As a non-limiting example, the present invention as set forth in claim 1, for example, is directed to a bread maker that includes a heating system and a frame forming a compartment in which an oven is accommodated, the heating system generating heat in the oven to make bread from dough. The bread maker includes a bracket having a combining hole and being connected to a part of the frame, a door and a door hinge rotatably combined with the bracket in order to allow the door to open and close. The bread maker additionally includes a side cover attached to the side part of the frame which keeps the door hinge combined with the bracket so that the door hinge does not break away from the bracket during rotation.

Kang discusses a door in a microwave oven in which a hinge plate 42 is mounted in a main body 40 of the microwave oven and is rotatably fixed to a hinge shaft 32 mounted in a cut-open portion of a choke cover 35 (col. 3, lines 49-51). In Kang, the hinge shaft 32 of the door 30 is placed over a hole 43 of the hinge plate 42 of the main body 40 (col. 4, lines 55-57). As implicitly conceded by the Examiner, Kang does not discuss or suggest that a bracket is combined to a side part of the frame of a bread maker, that a door hinge is attached to the door of the bread maker and is rotatably combined with the bracket, and that a side cover is attached to the side part of the frame and adapted to keep the door hinge combined with the bracket during rotation.

The Examiner implicitly alleges that Economides makes up for the deficiency in Kang, stating that "Economides discloses a bracket formed with a hole and a side cover 9, 20 associated with the bracket and attached to the side of a frame and adapted to keep a door hinge combined with the bracket." The Examiner then alleges that "[i]t would have been obvious to one skilled in the art to substitute the bracket of Kang with that disclosed in Economides, in order to provide an alternative means for connecting the door hinge to the oven housing." The Applicants respectfully disagree.

First, Economides discusses a door hinge for an automobile in which a stationary leaf 12 is situated within a recess 11 of the body 10 of an automobile and a movable leaf 14 is carried by the door 13 of the automobile. A pair of flanges 19 and 20 extend away from each other on the outer ends of parallel side walls 16 and 17. First, while Economides discusses the use of flanges, discusses that the movable leaf 14 includes a hook-shaped arm 34 provided with a head 35 through which a bolt 36 extends and discusses that a reinforcing member 27 includes an opening 38 which receives the lower end of the bolt 36, Economides does not discuss or suggest that a bracket is combined to a side part of the frame of the automobile and that a side cover is attached to the side part of the frame and adapted to keep a door hinge combined with the bracket during rotation. In fact, neither Economides nor Kang, alone or in combination, discuss or suggest that a frame of a bread maker includes a side cover attached to a side part of the bread maker frame, which is adapted to keep a door hinge combined with a bracket having a combining hole during rotation.

In contrast, the side cover 70 of the present invention of claims 1, 9 and 22 includes a breakaway part 72 and a blockfree part 74, which are used to allow for rotation of the door hinge 50 without the door hinge 50 becoming uncombined from the bracket 30. Economides does not suggest a side cover attached to a frame of a bread maker or device for preparing food that is

attached to a side part of the frame. Economides only discusses a pair of flanges that are received in grooves formed in the face of the body 10 of the automobile. Economides does not suggest that the flanges are a side cover that is attached to a side part of a frame and that keep a door hinge combined with the bracket that is combined to the side part of the frame during rotation. Economides is completely silent as to a side cover for a device that keeps a bracket and a door hinge combined together, where the side cover is attached to a side part of the frame and the side cover keeps the door hinge combined with the bracket during rotation.

Thus, the combination of references cited does not suggest the inclusion of a side cover attached to a side part of a frame which keeps a door hinge that is combined with a door combined with a bracket that is attached to the side part of the frame.

Further, the Examiner cites as a motivation to combine Kang and Economides that one skilled in the art would substitute the bracket of Kang with that disclosed in Economides, in order to provide an alternative means for connecting the door hinge to the oven housing. First, to establish a *prima facie* case of obviousness, the teaching or suggestion to make the claimed combination must be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See M.P.E.P. § 2142. The motivation cited is not a motivation that is found in the prior art. Second, merely citing as motivation "provid[ing] an alternative means for connecting the door hinge to the oven housing" does not suggest combining a bracket and door combination in a microwave oven with a hinge of an automobile door to teach the features of claims 1, 9 and 22 to one of ordinary skill in the art. Specifically, it is unclear as to how providing an alternative means for connecting a door hinge to an oven housing would, in and of itself, suggest the combination of a bracket, attached to a frame, having a hole into which a projection attached to a door is combined and a door hinge on the body of an automobile and a pair of flanges attached to a body of an automobile including a hinge to teach a door hinge combined to a door, a bracket combined to a side part of a frame of a bread maker and a side cover attached to the side part of the frame and adapted to keep the door hinge combined with the bracket. The motivation cited is completely inadequate to suggest such a combination.

Therefore, as the combination of the teachings of Kang and Economides does not suggest all the features of independent claims 1, 9 and 22, claims 1, 9 and 22 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2, 15 and 16 depend either directly or indirectly from independent claims 1 and 9 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, 2 recites that “a plurality of brackets and a plurality of door hinges are provided.” Therefore, claims 2, 15 and 16 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

### **III. Allowable Subject Matter**

The Applicants are appreciative of the acknowledgement that claims 3-5 and 17 are allowed, that claims 20 and 21 would be allowable if rewritten to overcome the § 112, 2<sup>nd</sup> paragraph rejections and that claims 6-8, 10-14, 17-19 would be allowable if rewritten to overcome the § 112, 2<sup>nd</sup> paragraph rejections and to include the limitations of the base claim. Having amended claims 20 and 21, it is respectfully submitted that claims 20 and 21 are in condition for allowance.

Claims 6-8, 10-14 and 17-19 depend from amended independent claims 1 and 9. As it is believed that the amendment of claims 1 and 9 puts the claims in condition for allowance, claims 6-8, 10-14 and 17-19 were not amended to include the features of the base claim.



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## Conclusion

In accordance with the foregoing, the claims 1, 3, 9, 20 and 21 have been amended. Claims 1-22 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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12/20/06

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